

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIM. NO. 08-20277

v.

HON. TERRENCE G. BERG

PHILLIP EUGENE WALKER,

Defendant.

**ORDER DENYING MOTION FOR RETROACTIVE
APPLICATION OF DRUG SENTENCING GUIDELINES
(DKT. 35) AND MOTION FOR DEFAULT (DKT. 37)**

Defendant Phillip Eugene Walker pled guilty to one count of being a felon in possession of a firearm (Dkt. 29). The Court sentenced Defendant to 33 months imprisonment (Dkt. 34). After he began serving his sentence, Defendant filed a motion for retroactive application of the sentencing guidelines for drug offenses (Dkt. 35). Defendant also filed a motion for default, complaining that he was not given a copy of the transcript from his sentencing hearing, despite requesting one and that the Court erred in not granting his motion to dismiss for Speedy Trial Act violations. Both motions are **DENIED**.

As to Defendant's motion for retroactive application of the new drug sentencing guidelines, Defendant was not convicted or sentenced for a drug offense, thus he is plainly not entitled retroactive application of any drug sentencing guidelines. As to Defendant's second motion, the Court already carefully explained its reasons for denying Defendant's motion to dismiss (Dkt. 19). Defendant's

motion for “default” does not establish that he is entitled to any other type of relief for an alleged failure to provide him with a copy of his sentencing transcript. The Court also notes that Defendant was released from federal custody on December 7, 2015. Thus, for the reasons set forth above, Defendant’s motions are **DENIED**.

IT IS SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: May 25, 2016

Certificate of Service

I hereby certify that this Order was electronically submitted on May 25, 2016, using the CM/ECF system, which will send notification to each party.

s/A. Chubb
Case Manager